

TYLER DIVISION

Case No. 6:21-cv-321-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

§ 205(g) seeking judicial review of the Commissioner's denial of his application for Social Security benefits. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition.

recommending that the Court reverse the Commissioner's decision and remand this case to the Commissioner of the Social Security Administration for further proceedings consistent with the opinion of the Court. Docket No. 21.


novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law.

Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, neither party objected in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

The Court has reviewed the briefing in this case, and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. Accordingly, it is **ORDERED** that the Report of the United States Magistrate Judge (Docket No. 21) is **ADOPTED** as the opinion of the Court. The decision of the Commissioner is **REVERSED**, and this case is remanded to the Commissioner of the Social Security Administration for further proceedings consistent with the opinion of the Court.

So **ORDERED** and **SIGNED** this **10th** day of **August, 2022**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE